

CHARTER TOWNSHIP OF DELTA
Public Meeting Room A
Delta Township Administration Building
7710 West Saginaw Highway
Lansing MI 48917

**TOWNSHIP BOARD REGULAR MEETING MINUTES FOR
MONDAY, APRIL 15, 2013**

I. CALL TO ORDER

Supervisor Kenneth Fletcher called the meeting to order at 6:00 p.m.

II. OPENING CEREMONIES – Pledge of Allegiance

III. ROLL CALL

Members Present: Trustee Dennis Fedewa, Trustee Jeff Hicks, Trustee Doug Kosinski, Trustee Karen Mojica, Clerk Mary Clark, Treasurer Howard Pizzo, and Supervisor Kenneth Fletcher.

Members Absent:

Others Present: Community Development Director Mark Graham, Township Engineer Gary Arnold, Fire Chief Clark, Utilities Director Tom Morrissey, Parks & Recreation Director Marcus Kirkpatrick, Township Assessor Brian Thelen, Finance Director Jeff Anderson, IT Director Dave Marquette, Township Manager Richard Watkins, and Deputy Manager Jenny Roberts

IV. PRESENTATIONS AND PROCLAMATIONS

1. Presentation by Lt. Cremonte, Michigan State Police

- a. Chief John Clark, Professional Emergency Manager Certification
- b. Lt. Michael Martin, Professional Emergency Manager Certification

Lt. Therese Cremonte, Region One Emergency Management Coordinator, presented Chief John Clark with the Professional Emergency Manager Designation for successfully completing a multitude of courses on-line and in the classroom that enhance the skills for emergency managers and first responders should their communities need them in a large emergency or disaster. Lt. Cremonte acknowledged the fact that training could take three to four years to achieve this designation and that Chief Clark completed his training in one year. Trish Martin, wife of Lt. Michael Martin, was present to accept the Professional Emergency Manager Designation on behalf of her

husband. Both were presented with a certificate signed by the Michigan State Police, Colonel Kriste Etue, as well as a pin, showing that both men have obtained the Designation of Professional Emergency Manager.

Fire Chief Clark thanked his staff for covering several of his shifts while he completed his classes and that he appreciated their support.

Supervisor Fletcher said knowing that Chief Clark and Lt. Martin received their certification meant a lot to the residents of the Township and the leadership role they would play when such an emergency happened.

V. SET/ADJUST AGENDA

TRUSTEE HICKS MOVED THAT THE AGENDA BE APPROVED AS SUBMITTED.

TREASURER PIZZO SUPPORTED THE MOTION. MOTION PASSED 7-0.

VI. PUBLIC HEARINGS

2. Hearing of Necessity – Huntington Acres Special Assessment District for Curb & Gutter Streets

Supervisor Fletcher opened the public hearing and asked if there was anyone in the audience who would like to speak on this matter.

Mary Perry, 4309 Darron Drive, noted that she had stamped concrete that ran along the entire length of her driveway and along her sidewalk. She felt it would be difficult to match the concrete if her driveway was torn up and replaced and requested that the contractor bore under her driveway and sidewalk versus removing it.

Township Engineer Gary Arnold said prior to construction, staff took detailed pictures of all the amenities within the right of way that would be disturbed and when anything was disturbed within the right of way, it was put back to equal, or better condition. Mr. Arnold indicated that boring underneath driveways and sidewalks for short distances was extremely expensive and would cost an additional \$100.00 per foot. He reiterated the fact that they would try to replace the concrete as close as possible to its original pattern and color.

Jerome Rountree, 4420 Elmshaven Drive, commended the Township for replacing the water mains in his neighborhood. Mr. Rountree noted that his house had been burdened with four water main breaks in the past and even though the Township had replaced part of his driveway twice, he would like the Township Board to recognize the fact that the replacement of the water main was needed.

Brian Turgeon, 227 Woodhaven, questioned whether curb and gutter would be installed along Otis as well as Woodhaven. Mr. Turgeon noted that at the present time, there were flooding problems since sidewalks were installed throughout the neighborhood and if the area wasn't graded to the level of the new street, the flooding problems would continue.

Supervisor Fletcher said those are the types of concerns that would be reviewed during the engineering process to make sure they were taken care of.

Mr. Turgeon asked that his name be taken off the petition for approval due to the fact that he was told that curb and gutter would be installed on both Otis and Woodhaven. He indicated that he wouldn't get any benefit out of the improvements because his driveway was located on Otis and not on Woodhaven.

Supervisor Fletcher noted that he would follow through with Mr. Turgeon's request.

Steve Slater, 303 Woodhaven, said he appreciated the Township making the improvements to the subdivision which was developed in the early 1950's. Mr. Slater felt Mr. Turgeon's point was well taken because he also was under the impression that curb and gutter would extend down Woodhaven, as well as fill in the portion along Otis where there wasn't curb and gutter.

Mr. Arnold said the Township had originally looked at extending curb and gutter along Otis to the east subdivision line. It was currently not included in the project, but he felt funding would be available to install curb and gutter along both Otis and Blanche. Mr. Arnold pointed out that the curb and gutter that existed to the east of the subdivision was in very bad condition and that staff would look at the drainage patterns to the east to determine whether it would be necessary to extend curb and gutter along Blanche and Otis to the east property line of the subdivision where there was existing rolled curbing. He noted that the Township didn't receive a sufficient number of signatures to extend curb and gutter along Darron Drive.

CLERK CLARK MOVED THAT THE PUBLIC HEARING BE CLOSED.

TRUSTEE HICKS SUPPORTED THE MOTION. MOTION PASSED 7-0.

TRUSTEE MOJICA MOVED THAT THE DELTA TOWNSHIP BOARD ADOPT RESOLUTION 2, WHICH IS TO DETERMINE THE SPECIAL ASSESSMENT DISTRICT WITH A FINDING OF NECESSITY. FURTHERMORE, ADOPT RESOLUTION 3, WHICH IS TO REVIEW SAID SPECIAL ASSESSMENT ROLL AND SET A PUBLIC HEARING FOR MAY 6, 2013 AT 6 P.M. TO HEAR OBJECTIONS TO SAID ASSESSMENT ROLL.

TREASURER PIZZO SUPPORTED THE MOTION. MOTION PASSED 7-0.

**Charter Township of Delta
County of Eaton, State of Michigan
RESOLUTION NO. 2**

(Woodhaven Drive Curb and Gutter Special Assessment District)

WHEREAS, the Township Board of the Charter Township of Delta, County of Eaton, State of Michigan (the “Township”), in response to petitions filed with the Township pursuant to Act 188, Public Acts of Michigan, 1954, as amended (“Act 188”), and after notice to all of the record owners of land in the proposed special assessment district, tentatively declared its intention to undertake certain public improvements in the Charter Township of Delta, as more particularly described in Exhibit A hereto; and

WHEREAS, the Township Engineer has prepared plans showing the public improvements and the location thereof and an estimate of the cost thereof; and

WHEREAS, after due and legal notice, the Township Board has met on the 15th day of April, 2013, at 6:00 o’clock p.m., prevailing Eastern Time, and heard all persons in interest therein at said first hearing with respect to the proposed public improvements and the special assessment district;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Township Board finally determines that said special assessment district shall consist of all of the lots and parcels of land described in Exhibit B attached hereto and that the existence of said special assessment district shall be maintained until all special assessments payable on the roll hereinafter described, and any bonds issued in anticipation of such special assessments, have been paid, but in any event not later than thirty (30) years from the date of confirmation of the special assessment roll.
2. The Township Board hereby determines that the petitions have been signed by record owners of land constituting more than 50% of the total assessed lot front footage in the special assessment district as finally established by the Township Board, and therefore the petitions are sufficient under Section 3 of Act 188 and the Township Board may proceed to carry out the public improvements described in Exhibit A attached hereto and made a part hereof pursuant to Act 188. The Township Board hereby determines that the public improvements are necessary for the health, safety and welfare of the Township.
3. The Township Board hereby approves the plans and estimate of cost for the public improvements in the total sum of \$365,000, as prepared and presented by the Township Engineer. Of the aforesaid total cost of the public improvements, the sum of \$160,160 will be spread against the hereinafter named special assessment district pursuant to Act 188.

4. The estimate of cost indicated in paragraph 3 above has been developed on a periodic basis, and, a re-determination of cost may be made without further notice to record owners or parties in interest of the properties within the special assessment district. A re-determination of costs, if made, will be completed by May 31, 2013. If the actual incremental cost increase exceeds the estimate of cost by 10% or more, notice shall be given and a hearing will be afforded to the record property owners to be assessed.

5. The Supervisor is hereby directed to make a special assessment roll in which shall be described all the parcels of land to be assessed as above set forth, with the names of the owners thereof, if known, and the total amount to be assessed against each parcel of land, which amount shall be such relative portion of the whole sum to be levied against all parcels of land in the assessment district as the benefit to such parcel of land bears to the total benefit of all parcels of land in the special assessment district.

6. In order to permit the Township Board to consider whether the acquisition of the public improvements will increase the value of the assessed properties, the Supervisor is further authorized to obtain, at his or her discretion, from an independent appraiser or the Township Assessor, a written estimate of the potential increase in the market value of each parcel of land in the assessment district which could result from acquisition and construction of the public improvements.

7. When the Supervisor shall have completed the special assessment roll, the Supervisor shall affix thereto a certificate stating that said roll was made pursuant to a resolution of the Township Board of the Township adopted on the date of adoption of this resolution, and that in making the assessment roll the Supervisor has, according to the Supervisor's best judgment, conformed in all respects to the directions contained in said resolution and the statutes of the State of Michigan, and the Supervisor shall then report the special assessment roll, with the certificate attached thereto, to the Township Board.

8. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and they hereby are rescinded. I hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the Township Board of Trustees of the Charter Township of Delta, County of Eaton, Michigan at a Regular meeting held on April 15, 2013 at 6:00 O'clock p.m. prevailing Eastern Time, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act 267.

I further certify that the following Members were present at said meeting:

Supervisor Fletcher, Treasurer Pizzo, Clerk Clark, Trustees Fedewa, Doug Kosinski, Jeff Hicks, and Karen Mojica

and that the following Member was absent: None

I further certify that Trustee Mojica moved for adoption of said resolution and that Trustee Pizzo supported said motion.

I further certify that the following Members voted for adoption of said resolution:

Supervisor Fletcher, Treasurer Pizzo, Clerk Clark, Trustees Fedewa, Doug Kosinski, Jeff Hicks, and Karen Mojica

and that the following Members voted against adoption of said resolution: None

Mary Clark, Township Clerk
Delta Charter Township
Eaton County, Michigan

EXHIBIT A
DESCRIPTION OF PUBLIC IMPROVEMENTS
(Woodhaven Drive Curb and Gutter Special Assessment District)

The proposed improvements shall include:

- Concrete curb and gutter street section in Woodhaven Drive from Michigan Avenue to Leland Place; Leland Place, from Woodhaven Drive to St. Joe Highway.
- Miscellaneous Storm Drainage Improvements.

EXHIBIT B
DESCRIPTION OF
(Woodhaven Drive Curb and Gutter Special Assessment District)

Parcel Numbers

(Located in Huntington Acres No. 1 and Huntington Acres No. 3 Subdivision, specifically parcels fronting on or contiguous to Woodhaven Drive)

23-040-056-000-010-00
23-040-056-000-020-00
23-040-056-000-030-00
23-040-056-000-040-00
23-040-056-000-050-00
23-040-056-000-060-00
23-040-056-000-070-00
23-040-056-000-080-00
23-040-056-000-090-00
23-040-056-000-100-00
23-040-056-000-110-00
23-040-056-000-120-00
23-040-056-000-130-00

23-040-056-000-140-00
23-040-056-000-460-00
23-040-056-000-470-00
23-040-056-000-480-00
23-040-056-000-490-00
23-040-056-000-500-00
23-040-056-000-510-00
23-040-056-000-520-00
23-040-056-000-530-00
23-040-056-000-540-00
23-040-056-000-550-00
23-040-056-000-560-00
23-040-056-000-570-00

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23-040-056-000-580-00
23-040-056-000-591-00
23-040-056-000-601-00
23-040-056-000-770-00
23-040-056-000-780-00
23-040-056-000-790-00
23-040-056-000-800-00
23-040-056-000-810-00
23-040-056-000-820-00
23-040-056-000-830-00
23-040-056-000-840-00
23-040-056-000-850-00
23-040-056-000-860-00

23-040-056-000-870-00
23-040-056-000-150-00
23-040-056-000-160-00
23-040-056-000-170-00
23-040-056-000-180-00
23-040-056-000-190-00
23-040-056-000-200-00
23-040-056-000-210-00
23-040-056-000-220-00
23-040-056-000-230-00
23-040-056-000-240-00
23-040-056-000-250-00

and excluding all other lands deemed not benefited.

Charter Township of Delta
County of Eaton, State of Michigan
RESOLUTION NO. 3

(Woodhaven Drive Curb and Gutter Special Assessment District)

WHEREAS, by resolution adopted April 15, 2013 the Township Board of the Charter Township of Delta determined to acquire and construct the improvements more particularly hereinafter described and assess the cost thereof to the property benefited by said improvements, all in accordance with Act 188, Public Acts of Michigan, 1954, as amended; and

WHEREAS, the Supervisor has prepared and reported to the Township Board a special assessment roll assessing the cost of said improvements to the property benefited thereby, with the Supervisor's certificate attached thereto.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll shall be filed with the office of the Township Clerk and shall be available for public examination during regular working hours on regular working days.
2. The Township Board shall meet at 6:00 p.m. on May 6, 2013 at Delta Township Administration Building in the Township to review said special assessment roll and hear any objection thereto.
3. The Township Clerk shall cause notice of such hearing and the filing of the assessment roll to be published twice in the Grand Ledge Independent and/or the Delta Waverly News Herald, newspapers of general circulation in the Township, prior to the date of the hearing, which first such publication shall be at least ten (10) days before the hearing, and shall cause notice of such hearing to be mailed by first class mail to all record owners of or persons in interest in property in the special assessment district, as shown on the last

township tax assessment record of the Township, at least ten (10) full days before the date of said hearing. Said hearing as published and mailed shall be in substantially the following form:

DELTA CHARTER TOWNSHIP
7710 W. Saginaw Highway
Lansing, Michigan 48917
(517) 323-8500

NOTICE OF REVIEW OF SPECIAL ASSESSMENT ROLL
FOR CURB AND GUTTER ROAD IMPROVEMENTS IN
THE CHARTER TOWNSHIP OF DELTA

TO ALL RECORD OWNERS OF OR PERSONS IN
INTEREST IN PROPERTY DESCRIBED
AS FOLLOWS:

(Located in Huntington Acres No. 1 and Huntington Acres No. 3 Subdivision, specifically parcels fronting on or contiguous to Woodhaven Drive)

Parcel Tax Code Numbers

23-040-056-000-010-00	23-040-056-000-140-00
23-040-056-000-020-00	23-040-056-000-460-00
23-040-056-000-030-00	23-040-056-000-470-00
23-040-056-000-040-00	23-040-056-000-480-00
23-040-056-000-050-00	23-040-056-000-490-00
23-040-056-000-060-00	23-040-056-000-500-00
23-040-056-000-070-00	23-040-056-000-510-00
23-040-056-000-080-00	23-040-056-000-520-00
23-040-056-000-090-00	23-040-056-000-530-00
23-040-056-000-100-00	23-040-056-000-540-00
23-040-056-000-110-00	23-040-056-000-550-00
23-040-056-000-120-00	23-040-056-000-560-00
23-040-056-000-130-00	23-040-056-000-570-00
23-040-056-000-580-00	23-040-056-000-870-00
23-040-056-000-591-00	23-040-056-000-150-00
23-040-056-000-601-00	23-040-056-000-160-00
23-040-056-000-770-00	23-040-056-000-170-00
23-040-056-000-780-00	23-040-056-000-180-00
23-040-056-000-790-00	23-040-056-000-190-00
23-040-056-000-800-00	23-040-056-000-200-00
23-040-056-000-810-00	23-040-056-000-210-00
23-040-056-000-820-00	23-040-056-000-220-00
23-040-056-000-830-00	23-040-056-000-230-00

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23-040-056-000-840-00
23-040-056-000-850-00
23-040-056-000-860-00

23-040-056-000-240-00
23-040-056-000-250-00

and excluding other lands deemed not benefited.

TAKE NOTICE that a special assessment roll has been prepared and is on file in the office of the Township Clerk for public examination. Said special assessment roll has been prepared for the purpose of assessing the cost of the following described improvement to the above property benefited therefrom:

Woodhaven Drive Curb and Gutter Special Assessment District

The proposed improvements shall include:

- Concrete curb and gutter street section in Woodhaven Drive from Michigan Avenue to Leland Place; Leland Place, from Woodhaven Drive to St. Joe Highway.
- Storm Drainage Improvements.

TAKE FURTHER NOTICE that the Township Board will meet on Monday, May 6, 2013, at 6:00, o'clock p.m., prevailing Eastern Time, at 7710 West Saginaw Highway, Lansing, Michigan, for the purpose of reviewing said special assessment roll and hearing any objections thereto.

TAKE FURTHER NOTICE that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her protest by letter delivered to the Delta Township Clerk at 7710 West Saginaw Highway, Lansing, Michigan 48917-9712 by Tuesday, 6:00 p.m. on May 6, 2013 and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Mary Clark, Township Clerk
Delta Charter Township
Eaton County, Michigan

Individuals with disabilities requiring auxiliary aids or services who are planning to attend Township meetings or hearings should notify Linda Wells at (517) 323-8590 in advance of the date of the meeting or hearing they will be attending. Copies of minutes may be

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posted or inspected in the Clerk's Office Monday through Friday from 8:00 a.m. to 5:00 p.m.

4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and they hereby are rescinded.

I hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the Township Board of Trustees of the Charter Township of Delta, County of Eaton, Michigan at a regular meeting held on April 15, 2013 at 6 o'clock p.m. prevailing Eastern Time, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act 267.

I further certify that the following Members were present at said meeting:
Supervisor Fletcher, Treasurer Pizzo, Clerk Clark, Trustees Fedewa, Doug Kosinski, Jeff Hicks, and Karen Mojica

And that the following Members were absent: None

I further certify that Member Mojica moved for adoption of said resolution and that Member Pizzo supported said motion.

I further certify that the following Members voted for adoption of said resolution:
Supervisor Fletcher, Treasurer Pizzo, Clerk Clark, Trustees Fedewa, Doug Kosinski, Jeff Hicks, and Karen Mojica

And that the following Members voted against adoption of said resolution: None

Mary Clark, Township Clerk
Delta Charter Township
Eaton County, Michigan

Acres Curb & Gutter Assessment District
Proposed Assessment Roll
Footage Front Foot Parcel
Parcel No. Property Owner Address Assessed Assessment

23-040-056-000- 591	Heath Moyer 105 Woodhaven Dr.	75	\$35.00	\$2,625.00
23-040-056-000- 580	Margaret Mitchell 111 Woodhaven Dr.	75	\$35.00	\$2,625.00
23-040-056-000- 570	Sylvia Maat 117 Woodhaven Dr.	75	\$35.00	\$2,625.00
23-040-056-000- 560	Linda Wolcott 125 Woodhaven Dr.	75	\$35.00	\$2,625.00
23-040-056-000- 550	Kurt Rupprecht 131 Woodhaven Dr.	75	\$35.00	\$2,625.00
23-040-056-000- 540	Edward & Mary Day 205 Woodhaven Dr.	75	\$35.00	\$2,625.00
23-040-056-000- 530	Susan Saari 213 Woodhaven Dr.	75	\$35.00	\$2,625.00

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23-040-056-000- 520	Lynn Martinez 219 Woodhaven Dr.	75	\$35.00	\$2,625.00
23-040-056-000- 510	Brian & Cynthia Turgeon 227 Woodhaven Dr.	100	\$35.00	\$3,500.00
23-040-056-000- 500	Suzanne Slater Trust 303 Woodhaven Dr.	100	\$35.00	\$3,500.00
23-040-056-000- 490	Daniel Copeland, Richard/Maria Copeland 305 Woodhaven Dr.	82	\$35.00	\$2,870.00
23-040-056-000- 480	Rebecca & Richard Weeks 309 Wodhaven Dr.	82	\$35.00	\$2,870.00
23-040-056-000- 470	James & Angela Woodward 311 Woodhaven Dr.	83	\$35.00	\$2,905.00
23-040-056-000- 460	Wilbur & Margie Mahoney 317 Woodhaven Dr.	94	\$35.00	\$3,290.00
23-040-056-000- 140	Kevin Feldpausch 325 Woodhaven Dr.	95	\$35.00	\$3,325.00
23-040-056-000- 130	Mary Francis 333 Woodhaven Dr.	95	\$35.00	\$3,325.00
23-040-056-000- 120	Richard & Lrenda Smith 407 Woodhaven Dr.	95	\$35.00	\$3,325.00
23-040-056-000- 110	Gene & Rosanne Parker 415 Woodhaven Dr.	95	\$35.00	\$3,325.00
23-040-056-000- 100	Gary Antcliff 423 Woodhaven Dr.	95	\$35.00	\$3,325.00
23-040-056-000- 90	Stephen & Carol Pasichnyk 505 Woodhaven Dr.	100	\$35.00	\$3,500.00
23-040-056-000- 80	Jimmy & Elizabeth Morgan 515 Woodhaven Dr.	100	\$35.00	\$3,500.00
23-040-056-000- 70	Michael Cunningham 523 Woodhaven Dr.	100	\$35.00	\$3,500.00
23-040-056-000- 60	Russell & Naomi Hall Trust 533 Woodhaven Dr.	100	\$35.00	\$3,500.00
23-040-056-000- 50	Kendal & Tracy Deatsman 541 Woodhaven Dr.	100	\$35.00	\$3,500.00
23-040-056-000- 40	Evergreen Bonham 4303 Woodhaven Dr.	81	\$35.00	\$2,835.00
23-040-056-000- 30	Jimmy Dale Sebring 4311 Woodhaven Dr.	100	\$35.00	\$3,500.00
23-040-056-000- 20	Clintis & Betty Dunn 4325 Woodhaven Dr.	100	\$35.00	\$3,500.00
23-040-056-000- 10	Borden-Conyers, Jacquelynne & Walter Conyers 4335 Woodhaven Dr.	100	\$35.00	\$3,500.00
23-040-056-000- 601	Kathleen Ann Moynahan 108 Woodhaven Dr.	100	\$35.00	\$3,500.00
23-040-056-000- 770	Craig Durham 118 Woodhaven Dr.	100	\$35.00	\$3,500.00
23-040-056-000- 780	Jerry A. & Mary L. Parish Trust 4309 Darron Dr.	100	\$35.00	\$3,500.00
23-040-056-000- 790	Stacy Jackson 210 Woodhaven Dr.	77	\$35.00	\$2,695.00
23-040-056-000- 800	Helen E. Johnson 216 Woodhaven Dr.	77	\$35.00	\$2,695.00
23-040-056-000- 810	Michael & Deena Furgeson 224 Woodhaven Dr.	77	\$35.00	\$2,695.00
23-040-056-000- 820	Angela Irvine 230 Woodhaven Dr.	77	\$35.00	\$2,695.00
23-040-056-000- 830	Roger Simmons 302 Woodhaven Dr.	77	\$35.00	\$2,695.00
23-040-056-000- 840	Matthew Faunt 304 Woodhaven Dr.	77	\$35.00	\$2,695.00
23-040-056-000- 850	Mildred Colbert 308 Woodhaven Dr.	77	\$35.00	\$2,695.00
23-040-056-000- 860	Doug & Jennifer Adams 312 Woodhaven Dr.	90	\$35.00	\$3,150.00
23-040-056-000- 870	Walter & Mary Kay Ozanich 316 Woodhaven Dr.	100	\$35.00	\$3,500.00
23-040-056-000- 150	Xiu He 4308 Gladys Dr.	100	\$35.00	\$3,500.00
23-040-056-000- 160	Sipriano & Elizabeth Torres 4315 Gladys Dr.	100	\$35.00	\$3,500.00
23-040-056-000- 170	Patrick Finneis & Kenn Griffin 412 Woodhaven Dr.	100	\$35.00	\$3,500.00
23-040-056-000- 180	Sarah Smalley 422 Woodhaven Dr.	90	\$35.00	\$3,150.00
23-040-056-000- 190	Corey Smith & Brittany Church 428 Woodhaven Dr.	80	\$35.00	\$2,800.00
23-040-056-000- 200	Bobby & Diane Finley 504 Woodhaven Dr.	100	\$35.00	\$3,500.00
23-040-056-000- 210	Cora Watts 516 Woodhaven Dr.	100	\$35.00	\$3,500.00
23-040-056-000- 220	Robert Simmons 524 Woodhaven Dr.	100	\$35.00	\$3,500.00
23-040-056-000- 230	Thomas Lavolette 532 Woodhaven Dr.	80	\$35.00	\$2,800.00
23-040-056-000- 240	Anthony Willis 540 Woodhaven Dr.	100	\$35.00	\$3,500.00
23-040-056-000- 250	Regina Dunn 4330 Woodhaven Dr.	100	\$35.00	\$3,500.00

Totals	4576	\$160,160.00
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VII. COMMUNICATIONS – None

VIII. PUBLIC COMMENTS FOR ITEMS NOT ON AGENDA

Former Township Supervisor Joe Drolett presented Manager Watkins with a plaque recognizing his loyal and outstanding service to Delta Township for the last 20 years and thanked Mr. Watkins for his service.

Mr. Watkins said it has been an honor to serve Delta Township for all these years and appreciated everyone that he had worked with at the Township and who had served on the Board.

Supervisor Fletcher stated that Mr. Watkins longevity at the Township and his ability to work with the community and different personalities and Boards said a lot about the quality of work that he does. Mr. Watkins' years of service was recognized at the employee retreat that was held in March and the fact that the Board was grateful that he was still serving the Township.

Ann Barnett, Barry/Eaton District Health Department, said she was present this evening as part of the Health Department's outreach efforts to their municipal partners. Ms. Barnett informed the Board that on Monday, April 22nd, the first Youth Marijuana Use Summit would be held for the Tri-County Area at the Township Library that would cover the issues with youth marijuana use. Ms. Barnett said spring also began awareness for rabies and the fact that bats were major carriers of the disease.

IX. INTRODUCTION OF ORDINANCES

- 3. Vending Ordinance Amendments** – The Clerk's Office and the Community Development Department recommend that the Township Board introduce amendments to the Delta Township Vending Ordinance.

CLERK CLARK MOVED THAT THE DELTA TOWNSHIP BOARD INTRODUCE AMENDMENTS TO THE DELTA TOWNSHIP VENDORS ORDINANCE, BEING CHAPTER 42 OF THE TOWNSHIP'S CODE OF ORDINANCES. THE TOWNSHIP CLERK IS HEREBY DIRECTED TO ADVERTISE THIS INTRODUCTION IN LOCAL NEWSPAPERS.

TREASURER PIZZO SUPPORTED THE MOTION.

Trustee Fedewa said he had had the benefit of meeting with Clerk Clark and staff regarding his concerns with the text in the existing ordinance. He felt his concerns had been addressed and he felt comfortable moving forward on this matter.

MOTION PASSED 7-0.

Section 42-1 Definitions

~~Special event means an organized activity, held on public property, specific to an identifiable place, occurring for a limited period of time, and for which appropriate permission has been obtained from the township.~~

Vendor means any person, **including, but not limited to, the vending proprietor, agent, and employee**, engaged in the act of vending as defined herein. For the purposes of this article, the terms “canvasser”, “drummer”, “hawker”, “huckster”, “itinerant merchant”, “itinerant vendor”, “peddler”, “solicitor” and “transient merchant” shall be included as persons herein defined as vendors.

Section 42-2 Violations & Penalties

(b) The Township shall hold the legal property owner responsible for the cleanup and/or repair of any property within the township due to debris or damage caused by the vending activity. The property owner shall be notified by certified mail of the township’s concerns regarding the cleanup and/or repair of any property due to a vending activity, and shall be given ~~44~~ **7** days to clean up and/or repair the property to its original condition. ~~as documented in the photographs kept on file by the clerk.~~ If the clerk **code enforcement officer or his/her designee** determines that sufficient cleanup and/or repair has not commenced within the allotted time, the ~~clerk~~ **code enforcement officer or his/her designee** shall cause the cleanup and/or repair of the property to commence. ~~and shall pay for the cost of same out of the township’s contingency fund.~~ The property owner shall **reimburse the Township** ~~be billed for the cost of the cleanup and/or repair~~ **and any other out of pocket costs incurred by the Township, including any attorney fees and/or court costs incurred to enforce this article.** ~~and the property owner shall be billed accordingly.~~ The township may use any **lawful means necessary** ~~available~~ to recover **from the property owner the costs of the cleanup and/or repair of the property, including without limitation, any court costs and attorney fees to enforce this article.** ~~from the property owner.~~

(c) The property owner and vendor shall be responsible for violations of the provisions of this article.

Section 42-4 Rules of Conduct

~~(j) The display of goods, merchandise, vehicles, services or other items permitted by this article are prohibited upon any public property located within the township, except during a special event in and around the location of the special event, or within the limits of the public road right of way of any street or highway located within the township. Tents, canopies and other similar shelters relating to the vending activity are also~~

~~prohibited upon any public property located within the township, except during a special event in and around the location of the special event, or within the limits of the public road right of way of any street or highway located within the township.~~

(n) The use of any temporary structure, building, stand, booth, trailer or similar structure shall be ~~prohibited as set forth within~~ **in compliance with** the township zoning ordinance.

(p) **Anyone participating in a licensed vending activity shall at all times wear the photo ID issued by the Township Clerk.**

Sec. 42-34 Exceptions from license requirement.

Persons identified under this section shall not be required to obtain a vending license. ~~under the terms of this article.~~ In addition, all fees associated with the granting of such licenses shall also be waived. ~~It is expected that~~ Persons **excepted below** ~~operating in the capacities listed in subsections (b) of this section shall respect the terms of this article in good faith and shall otherwise comply with the~~ **applicable** regulations. ~~outlined herein.~~

- (a) ~~No vending license shall be required for those~~ Persons operating yard sales, garage sales, bake sales or other similar types of activities from their own residentially zoned property, or from property on which they currently legally reside. These activities ~~must~~ **are intended to** be temporary in nature ~~so as to~~ **and must** comply with all applicable township ordinances.
- (b) ~~No vending license shall be required to sell~~ **Persons selling** produce on the same property on which it was grown. An activity permitted by this subsection must comply with all other applicable township ordinances.
- (c) **Persons involved in a vending activity representing a school, religious organization or charitable organization which is so classified for federal internal revenue purposes.**
- (d) ~~No vending license shall be required for~~ **Persons operating a** regular delivery route, not including ice cream peddlers and similar vendors.
- (e) ~~No vending license shall be required for Licensed~~ **Persons operating a** food catering truck(s) that **serve** ~~visit multiple private~~ commercial and/or industrial properties ~~on a daily basis and which remain at each property for no more than 30 minutes on any day.~~ ~~For purposes of this section, the term "multiple" means at least three.~~

Section 42-35 Application.

- (1) The applicant's name, date of birth, ~~social security number,~~ driver's license number, address, **a legible photocopy of their driver's license or a State ID card**, vehicle description, license plate number, ~~and home and work phone numbers~~ **and phone numbers for home, work and cell phones.**
- (2) If the applicant intends to have persons other than himself/**herself** participate in the proposed vending activity, a list of such persons, including the information listed in section 42-34-b **42-35 (1)**, shall also be submitted to the township clerk prior to the approval of the vending license.
- (12) **A passport quality photograph shall be provided for each person participating in the vending activity.**

Section 42-36 Investigation of applicant

~~(d) The township clerk or designee shall photograph the location of the proposed vending activity. The photograph is for the purpose of documenting the condition and appearance of the subject property prior to the establishment of the vending activity.~~

Section 42-38. Exemptions from license fee requirements.

Section 42-38 Exemptions from license **application** fee requirements.

~~(2) Any person obtaining a vending license as the duly authorized representative or agent of any political group seeking funds or membership.~~

X. PASSAGE OF ORDINANCES - None

XI. CONSENT AGENDA

TREASURER PIZZO MOVED THAT THE CONSENT AGENDA BE APPROVED AS SUBMITTED.

TRUSTEE HICKS SUPPORTED THE MOTION.

ROLL CALL:

AYES: TREASURER PIZZO, TRUSTEE HICKS, TRUSTEE FEDEWA, TRUSTEE KOSINSKI, TRUSTEE MOJICA, CLERK CLARK, AND SUPERVISOR FLETCHER

NAYS: NONE

ABSENT: NONE

MOTION PASSED 7 TO 0.

4. Bills & Financial Transactions - \$2,503,871.01

TREASURER PIZZO MOVED THAT THE BILLS & FINANCIAL TRANSACTIONS BE APPROVED IN THE AMOUNT OF \$2,503,871.01.

Bond/Debt Payments	\$ 390,875.00
Investments	\$
Payroll & Related	\$ 626,229.42
Refunds	\$ 4,658.79
Tax Distributions	\$
Vendor Claims	\$1,482,107.80

TRUSTEE HICKS SUPPORTED THE MOTION. MOTION PASSED 7-0.

5. Minutes – March 11, 2013 Committee of the Whole Minutes, March 18, 2013 Regular Board Meeting Minutes, and the April 8, 2013 Committee of the Whole Minutes.

TREASURER PIZZO MOVED THAT THE MARCH 11, 2013 COMMITTEE OF THE WHOLE MINUTES, MARCH 18, 2013 REGULAR BOARD MEETING MINUTES, AND THE APRIL 8, 2013 COMMITTEE OF THE WHOLE MINUTES BE APPROVED AS PRESENTED.

TRUSTEE HICKS SUPPORTED THE MOTION. MOTION PASSED 7-0.

6. Board and Commission Reappointments – The Township Supervisor recommends that the Township Board reappoint Gary Reed and Merle Barnhart to the Zoning Board of Appeals and appoint Lonnie Lee to the Parks, Recreation, & Cemeteries Commission.

TREASURER PIZZO MOVED THAT THE TOWNSHIP BOARD REAPPOINT GARY REED AND MERLE BARNHART TO THE ZONING BOARD OF APPEALS FOR A THREE YEAR TERM AND APPOINT LONNIE LEE TO THE PARKS, RECREATION, AND CEMETERIES COMMISSION FOR A THREE YEAR TERM.

TRUSTEE HICKS SUPPORTED THE MOTION. MOTION PASSED 7-0.

XII. ITEMS REMOVED FROM CONSENT AGENDA FOR DISCUSSION - None

XIII. ITEMS ADDED TO AGENDA UNDER SECTION V. SET/ADJUST AGENDA - None

XIV. ITEMS OF BUSINESS

1. **Early Retirement of 2003 General Obligation Bonds** – The Finance Director recommends that the Township Board approve the early retirement of the 2003 General Obligation Limited Tax Bonds and adjust the 2013 Water and Sewer funds budgets to reflect this debt retirement.

TREASURER PIZZO MOVED THAT THE TOWNSHIP BOARD APPROVE THE EARLY RETIREMENT OF THE 2003 GENERAL OBLIGATION LIMITED TAX BONDS DATED MAY 14, 2003 IN THE AMOUNT OF \$3,225,000 AND ADJUST THE 2013 WATER AND SEWER FUNDS BUDGETS TO REFLECT THIS DEBT RETIREMENT BY INCREASING THE WATER FUND DEBT PRINCIPAL BUDGET BY \$2,434,875 AND THE SEWER FUND DEBT PRINCIPAL BUDGET BY \$790,125.

Trustee Hicks commended Manager Watkins and Finance Director Jeff Anderson for their forward thinking on this matter and that this was the kind of activity and action that kept the Township in good financial standing.

TRUSTEE HICKS SUPPORTED THE MOTION. MOTION PASSED 7-0.

7. **Recommendation for Award 2013 Broadbent Road Water Transmission Main** – The Community Development Department recommends that the Township Board award the 2013 Broadbent Road Water Transmission Main project to Scarlett Excavating, Inc.

CLERK CLARK MOVED THAT THE TOWNSHIP BOARD AWARD THE 2013 BROADBENT ROAD WATER TRANSMISSION MAIN PROJECT TO SCARLETT EXCAVATING, INC. IN THE AMOUNT OF \$317,745.00.

TRUSTEE FEDEWA SUPPORTED THE MOTION. MOTION PASSED 7-0.

8. **Extension of Shadow Glen Final Preliminary Plat Approval** – The Community Development Department recommends that the Township Board approve an extension of the final preliminary plat for Lots 47 through 52 in the Shadow Glen Subdivision.

TRUSTEE HICKS MOVED THAT THE DELTA TOWNSHIP BOARD APPROVE AN EXTENSION FOR THE FINAL PRELIMINARY PLAT FOR LOTS 47 THROUGH 52, WHICH WERE ILLUSTRATED AS LOTS 41 – 46 ON THE ORIGINAL PRELIMINARY PLAT DRAWING OF THE SHADOW GLEN SUBDIVISION, WITH SAID EXTENSION BEING VALID UNTIL MAY 6, 2015.

TREASURER PIZZO SUPPORTED THE MOTION. MOTION PASSED 7-0.

9. **Final Consideration of Swadling Special Land Use Permit to allow a Truck Repair Facility** – The Community Development Department recommends that the

Township Board approve the request for a Special Land Use Permit for a truck repair facility on the property described in Case No. 3-13-3.

Community Development Director Mark Graham informed the Board that a public hearing was held by the Planning Commission who recommended approval of the request subject to one stipulation. He noted that after the meeting, there were questions regarding paving of the site which was why the Commission's recommendation for approval had been modified. Specifically, Stipulation #1, which would mandate a paved area 24 feet in width from Canal Road to the front edge of the northernmost building a distance of approximately 180 feet, Stipulation #2, a minimum of four paved parking spaces with a minimum width of 9' x 18' shall be provided and properly striped, and Stipulation #3, the barrier free parking space shall be paved, striped, and signed and an accessible route shall be provided from the barrier free space to the building. Mr. Graham indicated that the lawn and snow removal operation that occupied the site was primarily an off-site operation and that the proposed business was a different type of use that would generate traffic to the site. Mr. Graham noted that staff felt there needed to be minimum improvements that he had referred to in his stipulations. He said this information had been provided to the applicant who was present this evening to answer any questions the Board may have.

Trustee Fedewa inquired about the rationale behind the need for pavement and additional setbacks.

Mr. Graham noted that one of the requirements of Michigan's Barrier Free Law was that barrier free parking spaces be striped and demarcated which wasn't possible on gravel surfaces and that ingress and egress from the site, as well as from the barrier free parking spaces into the building, be easily accessible for someone in a wheelchair.

Trustee Hicks questioned whether the previous use was issued a special land use permit.

Mr. Graham said no due to the fact that the previous use was a use permitted by right within the industrial zoning district.

Trustee Hicks questioned if the other entity referenced on the application was a related entity or another owner.

Mr. Graham said Mr. Swadling purchased the property and was leasing it to another group.

TRUSTEE KOSINSKI MOVED THAT THE DELTA TOWNSHIP BOARD
APPROVE THE REQUEST FOR A SPECIAL LAND USE PERMIT FOR

TRUCK REPAIR FACILITY ON THE PROPERTY DESCRIBED IN CASE NO. 3-13-3 FOR THE FOLLOWING REASONS:

1. THE REQUEST IS CONSISTENT WITH THE PROVISIONS OF THE DELTA TOWNSHIP COMPREHENSIVE PLAN AND THE ZONING ORDINANCE.
2. THE REQUEST CAN BE OPERATED SUCH THAT IT IS COMPATIBLE WITH SURROUNDING LAND USES.

THE SPECIAL LAND USE PERMIT IS RECOMMENDED FOR APPROVAL SUBJECT TO THE FOLLOWING STIPULATIONS:

1. A PAVED AREA, A MINIMUM OF 24 FT. IN WIDTH, SHALL BE PROVIDED FROM THE CANAL ROAD ENTRANCE TO THE PROPERTY TO THE FRONT EDGE OF THE NORTHERNMOST BUILDING BEING A DISTANCE OF APPROXIMATELY 180 FT.
2. A MINIMUM OF FOUR PAVED PARKING SPACES WITH A MINIMUM WIDTH OF 9 FT. AND A MINIMUM DEPTH OF 18 FT. SHALL BE PROVIDED AND PROPERLY STRIPED.
3. THE BARRIER FREE PARKING SPACE SHALL BE PAVED, STRIPED AND SIGNED AND AN ACCESSIBLE ROUTE SHALL BE PROVIDED FROM THE BARRIER FREE SPACE TO THE BUILDING AS REQUIRED BY APPLICABLE CODES & ORDINANCES.
4. FAILURE OF THE APPLICANT TO COMPLY WITH ANY OF THE PROVISIONS REQUIRED BY THE ZONING ORDINANCE, OR ANY STIPULATIONS REQUIRED BY THE DELTA TOWNSHIP BOARD, SHALL CONSTITUTE GROUNDS FOR TERMINATION OF THIS PERMIT BY THE TOWNSHIP BOARD.

TREASURER PIZZO SUPPORTED THE MOTION. MOTION PASSED 7-0.

XV. MANAGER'S REPORT

Township Manager Watkins informed the Board of the following:

- The EDC has partnered with the Entrepreneurial Institute of Mid-Michigan to leverage small business loans for Delta Township. The program has been in existence in the area and the EDC took the opportunity to leverage \$5,000 of the EDC's money for loans to small business entrepreneurs in Delta.

Trustee Kosinski felt this was a very positive step towards being more active in the growth of businesses within the Township.

- The Utility Committee met last week and discussed rate increases. The Utility Committee has recommended that the Township impose a 5% rate increase for water and a 2 ½% increase for sewer. This matter would be placed on the Board's May 6th agenda for Board action, as well as a schedule of fee increases for the Planning Department. Notification to residents would be posted on the Township's website and Facebook page.
- The necessary right-of-way acquisition for Safe Routes to School would be completed at the end of the month so that the project could proceed this summer.
- During discussions about traffic calming within the Township's subdivisions, a new smaller portable speed sign was purchased that can be mounted on road signage. These devices can provide more data other than traffic speeds that will assist in determining where traffic control officers were needed. The new sign will replace the old traffic speed trailer. Eventually, additional signs would be purchased to be put in service this summer.

XVI. COMMITTEE OF THE WHOLE - None

XVII PUBLIC COMMENTS

Clerk Clark reminded the Board that there was a Waverly Schools election on May 7th for additional millage for school technology.

XVIII ADJOURNMENT

Supervisor Fletcher adjourned the meeting at 6:54 p.m.

CHARTER TOWNSHIP OF DELTA

KENNETH FLETCHER, SUPERVISOR

MARY CLARK, CLERK